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Attorneys for Defendant  
 CORE COMMUNICATIONS, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

DAN VALENTINE, et al.  
  
 Plaintiffs,  
 v.  
 NEBUAD, INC., et al.,  
  
 Defendants.

Case No. CV08-05113 TEH

**ADMINISTRATIVE MOTION  
 TO CONSIDER WHETHER  
 CASES SHOULD BE RELATED**

SUSAN SIMON, et al.,  
  
 Plaintiffs,  
 v.  
 ADZILLA, INC. (NEW MEDIA), et al,  
  
 Defendants.

Case No. CV09-00879 MMC

1 Pursuant to Civil L. R. 3-12, defendant Core Communications, Inc., a named  
2 defendant in *Simon, et al. v. Adzilla, Inc. et al.*, Case No. C09-00879 MMC, moves to  
3 have that case deemed related to an earlier-filed case in this district, *Valentine, et al. v.*  
4 *NebuAd, Inc., et al.*, Case No. CV-08-05113 TEH ("*Valentine*"). These cases should be  
5 deemed related for the following reasons:

6 1. Although the cases involve different parties, they are both class  
7 actions brought by the same attorneys, alleging the same seven causes of  
8 action, arising out of "substantially the same event," namely, the alleged  
9 interception of plaintiffs' Internet transmissions using technologies that  
10 permit "Deep Packet Inspection." Compare Complaint in *Valentine*, p. 2  
11 at ¶ 1 with Complaint in *Simon*, p. 3 at ¶ 3. Indeed, apart from the  
12 differences in the names of the parties, the complaints in both cases are  
13 nearly identical.

14 2. These two cases raise novel legal claims challenging the alleged  
15 use of innovative technology to collect information from Internet  
16 transmissions, and for these reasons, it appears likely there would be an  
17 unduly burdensome duplication of labor and expense, and a risk of  
18 conflicting results, if they were heard by different judges.

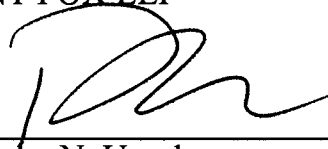
19 For these reasons, the *Simon* case should be deemed related to the earlier-filed  
20 *Valentine* action, and reassigned to the Honorable Thelton E. Henderson.

21 Respectfully submitted,

22 Dated: April 21, 2009

23 SCHIFF HARDIN LLP

24 ARENT FOX LLP

25 By:   
26 Rocky N. Unruh  
27 Attorneys for Defendant CORE  
28 COMMUNICATIONS, INC.

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